

April 15, 2010

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**Elisabeth A. Shumaker  
Clerk of Court

JASON WHITE,

Plaintiff - Appellant,

v.

A.J. SEDLER; J.B. YARA; DAVID  
HINSON; CITY OF ALBUQUERQUE,

Defendants - Appellees.

No. 10-2044

(D.C. No. 1:07-CV-00491-JAP-DJS)

**ORDER**Before **MURPHY, TYMKOVICH**, and **GORSUCH**, Circuit Judges.

This matter is before the court on the appellees' motion to dismiss this appeal as untimely. We agree with the appellees that the appeal was filed out-of-time, and, accordingly, grant the motion to dismiss.

Judgment was entered on December 4, 2009, and the notice of appeal was filed more than 30 days later on February 12, 2010. The appellant filed a motion for extension of time on February 24, which was denied by the district court on April 6.

In a civil case, in which the United States is not a party, a notice of appeal must be filed within 30 days of entry of judgment. *See* 28 U.S.C. § 2107(a) (a

notice of appeal in a civil matter must be filed within 30 days of entry of judgment unless the United States is a party); Fed. R. App. P. 4(a)(1)(A) (same). This court may not grant an extension of time in which to appeal. Fed. R. App. P. 26(b).

Because a timely notice of appeal in a civil case is both mandatory and jurisdictional, *see Bowles v. Russell*, 551 U.S. 205, 209, 213 (2007), this appeal is **DISMISSED**.

Entered for the Court,  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney